

REMARKS

It is respectfully requested that this application be reconsidered in view of the following remarks and that all of the claims remaining be allowed.

In the Office Action, the Examiner required the following restriction under 35 U.S.C. 121:

- I. Claims 1-54, drawn to a composition and method of using the same, wherein the active agent has amiloride moiety.
- II. Claims 1-8, 10, 12-18, 20, 22-26, 28, 30-33, 35, 37-40, 42, 44-46, 48 and 50-54, drawn to a composition and method of using the same, wherein the active agent (amiloride analogue or functional equivalent) does not have amiloride moiety.

In addition, the Office Action further requires election of one of the following species:

- a. Particular compound employed as the active agent; and
- b. Host treated by claimed method, e.g., patient infected with HIV, etc.

In response, Applicants elect Group I, wherein the compound employed as the active agent is an amiloride derivative and the host treated is a mammal with HIV, with traverse. Claims 1-54 are readable thereon. The restriction requirement is respectfully traversed for the reasons set forth below.

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (a) The inventions must be independent or distinct as claimed; and
- (b) There must be a serious burden on the Examiner if restriction is not required.

MPEP §803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. Id.

Group I and Group II contain many of the same claims (claims 1-8, 10, 12-18, 20, 22-26, 28, 30-33, 35, 37-40, 42, 44-46, 48 and 50-54). For example, claims 2-11 are all dependent from claim 1 and directed to methods of reducing, retarding or otherwise inhibiting the functional activity of HIV. The two groups can therefore be searched and examined together without serious burden on the Examiner. Consequently, the criterion under MPEP §803(b) is not satisfied.

Accordingly, Applicants respectfully request that Groups I and II be rejoined as a single group containing claims 1-54.

Should the Examiner have any questions, a telephone call to the undersigned attorney for the Applicants would be appreciated.

Early examination of this application on the merits is earnestly solicited.

Respectfully submitted,

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